

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

J.S., Petitioner-Appellant,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent-Appellee

No. 2023-1644

**UNOPPOSED MOTION FOR AN EXTENSION OF  
TIME TO FILE PETITIONER-APPELLANT'S REPLY BRIEF**

Pursuant to Rules 26 (b) and 27 of the Federal Rules of Appellate Procedure and Federal Circuit Rules 26(b) and 27, the petitioner-appellant respectfully requests a fourteen-day extension to submit her reply brief. The reply brief is due on or before October 20, 2023, which is the date to be extended. The petitioner-appellant respectfully seeks to extend his time to file her reply brief to November 3, 2023, which is the revised date sought. This is petitioner-appellant's first request for an extension of time to file her reply brief. There have been no days of extension previously granted to the movant for filing of her reply brief.

Petitioner-appellant has informed respondent-appellee's attorney of this extension request. The attorney for respondent-appellee has informed the attorney for petitioner-appellant that respondent-appellee has no objection to the requested extension.

The attorney for the petitioner-appellants respectfully submits the accompanying Declaration in support of the petitioner-appellant's requested fourteen-day extension.

Dated: New York, New York  
October 6, 2023

/s/ Robert J. Krakow

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No. 2023-1644

**DECLARATION IN SUPPORT OF UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME TO FILE PETITIONER-APPELLANT'S OPENING BRIEF**

Robert J. Krakow, declares that the following is true under penalty of perjury pursuant to 28 U.S.C. § 1746:

I am the attorney for the petitioner-appellant. Petitioner-appellant respectfully requests an extension of fourteen days from October 20, 2023, the date to be extended, to November 3, 2023, the revised date sought, to file his brief.

An extension of fourteen days is requested to file petitioner-appellant's reply because I am attorney of record in other cases in which deadlines and other obligations conflict with the deadline to file the reply brief in the present case. The conflicting deadlines include a case in the United States Court Claims, Office of Special Masters, I.J.. v. Secretary of Health and Human Services, No. 16-864V in which a full day evidentiary hearing is scheduled to take place on October 16, 2023. I must commit most of my time through October 16, 2023, to prepare for and participate in the hearing in I.J.

I have multiple deadlines in other cases on and before the current due date for the opening brief, including cases before the United States Court of Federal Claims and before local courts in the state of New York, where I practice. My law firm is small with one associate attorney in addition to me.

The matter on appeal in the case at bar is factually complex, involves multiple issues and a large record, requiring substantial time and attention for preparation. An extension will permit petitioner-appellant's attorney to reasonably adjust his schedule to allow sufficient time to properly present the reply brief.

Wherefore, the petitioner-appellant respectfully requests an extension of fourteen days from October 20, 2023, to November 3, 2023, to file her principal brief.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed October 6, 2023, 2023.

/s/ Robert J. Krakow

Robert J. Krakow  
2350 Broadway, Suite 223  
New York, New York 10024